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MAY 17 2006

In re Application of
Jens Nagel et al.
Application No. 09/909,202
Filed: July 19, 2001
Attorney Docket No. CML00010H

OFFICE OF PETITIONS
ON PETITION

This is a decision on the petition filed May 15, 3006, to withdraw the holding of abandonment which is treated under 37 CFR 1.181.

The petition to withdraw the holding of abandonment is **GRANTED**.

The application was held abandoned on November 15, 2004 for failure to file a timely response to the non-Final Office Action mailed August 12, 2004, which set a three (3) month shortened period for reply. No extensions of time in accordance with 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed April 21, 2006.

Petitioner asserts that a proper response, was filed via facsimile transmission on August 23, 2004. In support, petitioner submits a copy of the reply said to have been filed, which includes a certificate of facsimile transmission pursuant to 37 CFR 1.8 and was acknowledged by the U.S. Patent and Trademark Office in an Auto-Reply Facsimile Transmission.

The evidence submitted corroborates a timely response to the non-Final Office Action. Accordingly, the holding of abandonment is withdrawn and the Notice of Abandonment is vacated. No petition fee is due and none has been charged.

This matter is being referred to Technology Center 2624 for appropriate action on the amendment filed August 23, 2004, a copy of which was submitted May 15, 2006 with the instant petition.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions